

# POLICY

<b>Approved by:</b> Rebecca R. Hunter, Commissioner	<b>Policy Number:</b> 12-042
<b>Signature:</b> <i>Rebecca R. Hunter</i>	<b>Supersedes:</b> 11-057, 99-026, 08-022, 12-042
<b>Application:</b> Executive Branch Agencies, Human Resource Officers	<b>Effective Date:</b> October 2, 2017
<b>Authority:</b> T.C.A. §4-3-1703, T.C.A. §8-30-104, T.C.A. 8-30-313, T.C.A. § 10-7-503, T.C.A. §10-7-504	<b>Rule:</b> Chapter 1120-13

**Subject:**

## Public Records in the Custody of the Department of Human Resources

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Department of Human Resources is hereby adopted to provide economical and efficient access to public records under the custody of the Department as provided under the Tennessee Public Records Act (TPRA) in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). The public records of the Department are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Department shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Department, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Record Request Coordinator for the Department or to the Tennessee Office of Open Records Counsel (OORC).

### I. Confidentiality Regarding Personnel Records and Applicant Files

Pursuant to Tenn. Code Ann. § 10-7-504, portions of the personnel record of employees and information submitted by applicants shall be treated as confidential and not open for public inspection. Confidential information includes: social security numbers, home addresses, home and cellular telephone numbers, personal/non-government email addresses, bank account information, performance reviews, and driver's license information except where driving or operating a vehicle is part of the employee's job description

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or job duties or incidental to the performance of their job. The same information concerning the employee's immediate family members or household members is also considered confidential with restricted access.

The following procedures are to be used to ensure adequate measures are taken to protect confidential information:

- a. Agency human resource employees, law enforcement agencies, courts, and certain other governmental employees may, when performing their official job functions, review these files without restrictions. The right to unrestricted access also applies to the person seeking to review his or her own personnel file or application. Proper identification of these individuals must be determined prior to allowing access to the personnel record.
- b. Employees and/or applicants may allow other individuals to access their personnel files by completing a Signature Authorization form, which may be obtained from the Department and is attached as Attachment 1. In addition, a valid Tennessee subpoena may permit information to be reviewed or copied with redaction.
- c. If a signature authorization is not available, a citizen of the State of Tennessee requesting to review the personnel file may do so following the guidelines established by Section III or the guidelines established by the custodian of the records, if the Department is not the custodian.

Unedited employee and/or applicant files are considered confidential in the normal course of business. Access should be limited as described in this policy. Documents containing confidential information are not to be left unattended in an area accessible to the public. When no longer usable, documents containing confidential information should be destroyed in accordance with the appropriate disposition method as required by state law.

Agencies should ensure this policy is disseminated to all individuals in the agency whose work involves access to personnel files.

## **II. Definitions**

- a. Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a public record. Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- b. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. Tenn. Code Ann. § 10-7-503(a)(1)(A).

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- c. Public Record Request Coordinator (PRRC): The individual designated in Section III of this Policy who has the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Record Request Coordinator may also be a records custodian.
- d. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

### **III. Requesting Access to Public Records**

Public record requests shall be made to the Public Record Request Coordinator (PRRC) or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

Requests for inspection only are not required to be in writing. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA. Requests for inspection may be made orally or in writing using the Public Records Request form attached as Attachment 2 at: Public Record Request Coordinator, Department of Human Resources, 505 Deaderick Street, Nashville, TN 37243, by phone at (615) 741-4841, by e-mail at [DOHR-RecMgmt@tn.gov](mailto:DOHR-RecMgmt@tn.gov), or by fax at (615) 401-7685.

Requests for copies, or requests for inspection and copies, shall be made in writing using the Public Records Request form attached as Attachment 2 at: Public Record Request Coordinator, Department of Human Resources, 505 Deaderick Street, Nashville, TN 37243, by e-mail at [DOHR-RecMgmt@tn.gov](mailto:DOHR-RecMgmt@tn.gov), or by fax at (615) 401-7685.

Only citizens of Tennessee have an enforceable right to access public records. The Department will provide access to individuals who can provide proof of Tennessee citizenship or residence. The Department may require a government issued photo identification that includes a person's address to verify citizenship or residency. The Department will also accept a student ID from a Tennessee school as an alternate form of identification.

### **IV. Responding to Public Records Requests**

#### Public Record Request Coordinator

The PRRC shall review public record requests and make an initial determination of the following: i) if the requestor provided evidence of Tennessee citizenship; ii) if the records requested are described with sufficient specificity to identify them; and iii) if the Department is the custodian of the records.

The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

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- a. Advise the requestor of this Policy and the elections made regarding: i) proof of Tennessee citizenship; ii) form(s) required for copies; iii.) fees (and labor threshold and waivers, if applicable); and iv.) aggregation of multiple or frequent requests.
- b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following: i.) the requestor is not, or has not presented evidence of being, a Tennessee citizen; ii.) the request lacks specificity;<sup>1</sup> iii.) an exemption makes the record not subject to disclosure under the TPRA;<sup>2</sup> iv.) the Department is not the custodian of the requested records;<sup>3</sup> and/or v.) the records do not exist.
- c. Forward the records request to the appropriate records custodian in the Department. The communication to the records custodian should include instructions for completing the request and a deadline for the documents to be sent back to the PRRC.

The Department's designated PRRC is: Records Supervisor, Department of Human Resources, 505 Deaderick Street, Nashville, TN 37243; phone (615) 741-4841; fax (615) 401-7685. The PRRC shall report to the Commissioner on an annual basis about the Department's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvements or changes to this Policy.

Upon receiving a public records request, the records custodian shall promptly respond to the PRRC's notice, who will make them available to the requestor in accordance with Tenn. Code Ann. § 10-7-503.

If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are subject to public record; to redact records; or for other similar reasons, the records custodian shall, within three (3) business days from the records custodian's receipt of the request, notify the PRRC of the issue. The PRRC shall, within seven (7) business days of sending the public records request to the records custodian, send the requestor a completed Public Records Request Response Form which is attached as Attachment 3.

If a records custodian denies a public record request, he or she shall promptly inform the PRRC, who will deny the request in writing as provided in Section IV.b using the Public Records Request Response Form attached as Attachment 3.

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<sup>1</sup> If the request lacks specificity, the PRRC may contact the requestor to see if the request can be clarified or narrowed, if appropriate.

<sup>2</sup> If an exemption makes the record not subject to disclosure under the TPRA, the PRRC shall provide the citation to the appropriate exemption. If the PRRC is uncertain that an applicable exemption applies, the custodian may consult with the Office of General Counsel or the OORC.

<sup>3</sup> If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, the PRRC shall advise the requestor of the correct governmental entity and PRRC for that entity if known.

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If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall notify the PRRC promptly. The PRRC shall use the Public Records Request Response Form attached as Attachment 3 to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRRC should contact the requestor to see if the request can be narrowed.

If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the PRRC. The PRRC shall then contact the requestor concerning the omission and produce the records as quickly as practicable.

### Redaction

If a record contains confidential information or information that is not open for public inspection, the records custodian or PRRC shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian or PRRC should coordinate with the Office of General Counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC or with the Office of Attorney General and Reporter.

Whenever a redacted record is provided, the PRRC or records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

### Inspection of Records

There shall be no charge for inspection of open public records. Under reasonable circumstances, the PRRC may require an appointment for inspection. In this case, the PRRC shall contact the requestor and schedule the appointment during regular business hours.

### Copies of Records

A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable. Copies will be available for pickup at the Department or, upon payment for postage, copies will be delivered to the requestor's address by the United States Postal Service.

A requestor will not be allowed to make copies of records with personal equipment, unless the requestor is an employee inspecting his or her own personnel file.

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#### Fees and Charges and Procedures for Billing and Payment

Fees and charges for copies of public records should not be used to hinder access to public records. No duplication costs will be charged for requests less than 34 pages if fees and labor costs are less than \$5.00.

The PRRC shall provide requestor(s) with an itemized estimate of the charges prior to producing copies of records and may require pre-payment or such charges before producing requested records. Payment is to be made by cash or check payable to the Department of Human Resources presented to the Records Supervisor.

Fees and charges for copies are as follows:

- a. \$0.15 per page for letter- and legal-size black and white copies.
- b. \$0.50 per page for letter- and legal-size color copies.
- c. Actual shipping costs, if the requestor(s) elect to have the copies mailed.
- d. \$5.00 per hour for labor when time exceeds two hours.
- e. If an outside vendor is used, the actual costs will be assessed by the vendor.

#### Aggregation of Frequent and Multiple Requests

The Department will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert). The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

Questions regarding this policy may be directed to the Office of Records Management/Quality Assurance Division or the Office of General Counsel.

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ATTACHMENT 1 - QUALITY ASSURANCE AND RECORDS MANAGEMENT  
SIGNATURE FORM

SIGNATURE AUTHORIZATION:

You are hereby authorized to release information pertaining to my personnel record including social security number, home address, home telephone number, direct deposit, and the same information concerning my family/household members to:

Contact information of individual receiving information:

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Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

PR-0358

RDA 1280

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### ATTACHMENT 2 - PUBLIC RECORDS REQUEST FORM

*The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile, create or recreate records that do not exist.*

**To:** Department of Human Resources, Public Record Request Coordinator  
Department of Human Resources, 505 Deaderick Street, Nashville, TN 37243  
[DOHR-RecMgmt@tn.gov](mailto:DOHR-RecMgmt@tn.gov)

**From:** Requestor's name: \_\_\_\_\_  
Requestor's telephone number: \_\_\_\_\_  
Requestor's e-mail address: \_\_\_\_\_  
Requestor's mailing address: \_\_\_\_\_

**Is the requestor a Tennessee citizen?** ☐ Yes ☐ No

**Request:** ☐ Inspection (The TPRA does not permit fees or require a written request for inspection only.)  
☐ Copy/Duplicate  
*If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay costs in an amount not to exceed \$5.00? If so, initial here: \_\_\_\_\_.*

**Delivery preference:** ☐ On-Site Pick-Up ☐ USPS First-Class Mail  
☐ Electronic ☐ Other: \_\_\_\_\_

#### Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

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\_\_\_\_\_  
Signature of Requestor and Date Submitted

\_\_\_\_\_  
Signature of Public Record Request Coordinator and Date Received

PR-498

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# DOHR Policy:

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ATTACHMENT 3 - PUBLIC RECORD REQUEST RESPONSE FORM  
DEPARTMENT OF HUMAN RESOURCES, 505 DEADERICK STREET, NASHVILLE, TN 37243  
[DOHR-RecMgmt@tn.gov](mailto:DOHR-RecMgmt@tn.gov)

DATE: \_\_\_\_\_

REQUESTOR'S NAME AND CONTACT INFORMATION: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_, our office is taking the action(s) indicated below:

☐ The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_

Date & Time: \_\_\_\_\_

☐ Copies of public record(s) responsive to your request are:

☐ Attached;

☐ Available for pickup at the following location:

\_\_\_\_\_; or

☐ Being delivered via: ☐ USPS First-Class Mail ☐ Electronically ☐ Other: \_\_\_\_\_.

☐ Your request is denied on the following grounds:

☐ Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

☐ No such record(s) exists or this office does not maintain record(s) responsive to your request.

☐ No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

☐ You are not a Tennessee citizen.

☐ You have not paid the estimated copying/production fees.

☐ The following state, federal, or other applicable law prohibits disclosure of the requested records:

\_\_\_\_\_.

☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

☐ It has not yet been determined that records responsive to your request exist; or

☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_

If you have additional questions regarding your record request, please contact the Public Record Request Coordinator.

Sincerely,

\_\_\_\_\_  
Public Record Request Coordinator

PR-497

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